

**SENATE JOURNAL
64TH LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 25, 2015

Senate Chambers
State Capitol

Senate convened at 10:00 a.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS

2/25/2015

Correctly printed: **SB 12, SB 47, SB 258, SB 260, SB 261, SB 262, SB 263, SB 269, SB 289, SB 293, SB 307, SB 316, SB 318, SB 319, SB 323, SB 325, SB 329, SB 330, SB 333, SB 334, SB 335, SB 336, SB 338, SB 345, SB 347, SB 348, SB 350, SB 351, SB 353, SB 354, SB 355, SB 356, SB 360, SB 361, SB 363, SB 364, SB 365, SB 366, SB 367, SB 368, SB 372, SB 379, SB 385, SB 390, SR 9, SR 10, SR 17, SR 26, SR 27, SR 28, SR 29, SJ 11, SJ 14, SJ 16, HB 145, HB 166, HB 260.**

Correctly engrossed: **SB 79, SB 191, SB 238, SB 298, SB 323, SB 328, SB 331, SB 371, SB 376, SB 377, SB 384, SB 389, SJ 15.**

Correctly enrolled: **SB 139.**

Transmitted to the House: **SB 1, SB 83, SB 107, SB 148, SB 180, SB 195, SB 210, SB 216, SB 251, SB 295, SB 321, SB 332, SB 344, HB 166.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair):

2/24/2015

HB 145, be concurred in. Report adopted.

HB 260, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):

2/19/2015

SR 17, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair):

2/24/2015

SB 369, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/24/2015

HB 164, introduced by N. Schwaderer

HB 191, introduced by J. Eck

HB 196, introduced by S. Webber

HB 227, introduced by K. Dudik

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

HB 244, introduced by J. Essmann
HB 252, introduced by K. McCarthy
HB 306, introduced by J. Eck
HB 318, introduced by E. Hill
HB 322, introduced by D. Jones
HB 337, introduced by J. Karjala
HB 402, introduced by A. Knudsen
HB 439, introduced by A. Redfield
HB 538, introduced by M. Miller
HB 542, introduced by G. Hertz
HB 546, introduced by N. Schwaderer
HB 550, introduced by K. Swanson

MOTIONS

SB 369 - Majority Leader Rosendale moved **SB 369** be re-referred from the second reading board to the Finance and Claims Committee. Without objection, so ordered.

SB 342 - Senator Phillips moved that **SB 342** be taken from Agriculture, Livestock and Irrigation and brought before the Committee of the Whole this date. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364 - Senator Cohenour moved that **SB 364** be taken from State Administration and brought before the Committee of the Whole on February 26, 2015, the 44th legislative day. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Blasdel, D. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Jones, Keane, Larsen, McNally, Moe, Phillips, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 31

Nays: Arntzen, Brenden, T. Brown, Caferro, Hinkle, Howard, Kary, Kaufmann, Keenan, Malek, Moore, Pomnichowski, Ripley, Sales, Smith, Thomas, Vance, Vincent, Webb.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 388 - Senator Whitford moved that **SB 388** be taken from State Administration and brought before the Committee of the Whole on February 26, 2015, the 44th legislative day. Motion **failed** as follows:

Yeas: Ankney, Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Whitford, Windy Boy, Wolken.

Total 24

Nays: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 186 - Senator Webb moved to reconsider the indefinite postponement of **SB 186** and that **SB 186** be brought before the Committee of the Whole on February 26, 2015, the 44th legislative day. Motion **failed** as follows:

Yeas: Blasdel, Connell, Hamlett, Hansen, Hoven, Howard, Kary, Keenan, Ripley, Smith, Swandal, Taylor, Thomas, Webb, Windy Boy.

Total 15

Nays: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Driscoll, Facey, Fielder, Hinkle, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Wolken, Ms. President.

Total 35

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 55 - Senator Hamlett moved that **SB 55** be taken from Judiciary and brought before the Committee of the Whole on February 26, 2015, the 44th legislative day. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 24

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 263 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 47

Nays: Sales, Vance, Vincent.

Total 3

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Excused: None.

Total 0

SB 270 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.
Total 43

Nays: Barrett Dick, Cohenour, Driscoll, Kaufmann, Phillips, Pomnichowski, Whitford.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 292 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 293 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 44

Nays: Cohenour, Kaufmann, Malek, McNally, Pomnichowski, Whitford.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 325 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: Cohenour.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 329 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 0

SB 333 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.

Total 43

Nays: Caferro, Facey, Kaufmann, Larsen, Malek, Sesso, Whitford.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 334 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 30

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 335 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 46

Nays: Hinkle, Sales, Vance, Vincent.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 338 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 350 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 0

SJ 11 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 139, as amended by the House, passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 166 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 29

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Windy Boy moved to change his third reading vote on **SB 333** from No to Yes. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 200, introduced by R. Pinocci, E. Arntzen, N. Ballance, S. Berglee, D. Brown, C. Clark, G. Custer, A. Doane, J. Fielder, C. Fiscus, K. Flynn, C. Glimm, D. Hagstrom, B. Harris, G. Hertz, J. Hinkle, K. Holmlund, D. Kary, A. Knudsen, D. Lamm, M. Lang, S. Laszloffy, S. Lavin, T. Manzella, W. McKamey, G. Meyers, M. Monforton, D. Mortensen, M. Noland, A. Olszewski, L. Randall, K. Regier, V. Ricci, R. Ripley, S. Sales, D. Salomon, S. Staffanson, N. Swandal, J. Taylor, F. Thomas, B. Tschida, G. Vance, K. Wagoner, R. Webb, J. Welborn, A. Wittich, D. Zolnikov, J. Essmann, F. Garner, referred to Public Health, Welfare and Safety.

HB 290, introduced by K. White, G. Bennett, B. Brown, E. Greef, B. Harris, D. Jones, D. Mortensen, R. Pinocci, referred to State Administration.

HB 334, introduced by R. Cook, referred to Local Government.

HB 366, introduced by G. Custer, referred to Local Government.

HB 374, introduced by E. McClafferty, B. Bennett, Z. Brown, V. Court, W. Curdy, K. Dudik, M. Dunwell, J. Eck, J. Ellis, M. Funk, D. Hayman, C. Hunter, T. Jacobson, J. Karjala, K. Kelker, G. Kipp, E. Lieser, R. Lynch, M. MacDonald, K. McCarthy, N. McConnell, P. Noonan, A. Olsen, C. Pease-Lopez, R. Peppers, Z. Perry, G. Pierson, C. Pope, J. Price, A. Redfield, V. Ricci, D. Salomon, C. Schreiner, B. Smith, T. Steenberg, K. Swanson, S. Webber, N. Wilson, T. Woods, referred to Education and Cultural Resources.

HB 382, introduced by M. Dunwell, J. Cohenour, E. Hill, E. Lieser, E. McClafferty, D. Moore, R. Peppers, Z. Perry, J. Pomnichowski, J. Price, B. Smith, T. Steenberg, S. Webber, N. Wilson, referred to Public Health, Welfare and Safety.

HB 412, introduced by D. Zolnikov, referred to Judiciary.

HB 436, introduced by K. Dudik, referred to Judiciary.

HB 447, introduced by K. Wagoner, referred to Judiciary.

HB 448, introduced by K. Wagoner, referred to Judiciary.

HB 449, introduced by K. Wagoner, referred to Business, Labor, and Economic Affairs.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

HB 461, introduced by S. Lavin, J. Essmann, S. Fitzpatrick, F. Garner, L. Randall, N. Schwaderer, N. Swandal, referred to Local Government.

HB 503, introduced by T. Berry, referred to Business, Labor, and Economic Affairs.

HB 522, introduced by T. Berry, referred to Business, Labor, and Economic Affairs.

HB 537, introduced by T. Berry, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 79 - Senator Facey moved **SB 79** do pass.

SB 79 - Senator Facey moved **SB 79**, second reading copy, be amended as follows:

1. Page 3, line 30.

Strike: "commensurate with costs"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 79 - Senator Facey moved **SB 79**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 47

Nays: Blasdel, Hansen, Sales.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 258 - Senator Hoven moved **SB 258** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 347 - Senator Facey moved **SB 347** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 0

Excused: None.

Total 0

SB 351 - Senator Blasdel moved **SB 351** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 28

Nays: Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 261 - Senator Hamlett moved **SB 261** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 42

Nays: Brenden, D. Brown, Fielder, Hinkle, Howard, Sales, Smith, Vance.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 269 - Senator Ankney moved **SB 269** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 367 - Senator Taylor moved **SB 367** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 318 - Senator Swandal moved **SB 318** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 0

Excused: None.

Total 0

SB 356 - Senator Fielder moved **SB 356** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 372 - Senator Blasdel moved **SB 372** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.

Total 39

Nays: Caferro, Cohenour, Driscoll, Facey, Kaufmann, McNally, Moe, Pomnichowski, Stewart-Peregoy, Whitford, Wolken.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 330 - Senator Hamlett moved **SB 330** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Windy Boy, Wolken, Ms. President.

Total 49

Nays: Whitford.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 336 - Senator Keenan moved **SB 336** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: Malek.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Rosendale moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Fielder moved to change her second reading vote on **SB 261** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved that the Senate recess until 3:00 p.m. this date. Motion carried.

Senate recessed at 11:22 a.m.

<<< >>>

Senate reconvened at 3:00 p.m.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair):

2/25/2015

SB 254, do pass. Report adopted.

SB 272, do pass. Report adopted.

SB 316, do pass. Report adopted.

SB 323, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "CITIZENS;"

Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 3, line 24.

Strike: "The"

Insert: "If the department determines a project is of a high priority pursuant to subsection (11),
the "

3. Page 4, line 2.

Following: line 1

Insert: "(11) The department shall prioritize federal forest management projects for possible

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

intervention pursuant to subsection (10) in consultation with the counties in which any part of the federal forest management project is located. The department may adopt rules to implement this subsection (11)."

4. Page 5, line 6.

Following: "shall"

Insert: ", if the department determines a project is of a high priority pursuant to subsection (12),"

5. Page 5, line 13.

Strike: "and"

6. Page 5, line 15.

Following: "issues"

Insert: "; and

(12) shall prioritize federal forest management projects for possible intervention pursuant to subsection (9) in consultation with the counties in which any part of the federal forest management project is located. The department may adopt rules to implement this subsection (12)"

And, as amended, do pass. Report adopted.

SB 328, introduced bill, be amended as follows:

1. Title, page 1, line 13.

Following: "~~AN~~"

Insert: "AN"

Strike: "DATES AND A TERMINATION"

2. Page 1, line 17.

Strike: "5"

Insert: "4"

3. Page 1, line 20.

Strike: "5"

Insert: "4"

4. Page 1, line 29.

Strike: "5"

Insert: "4"

5. Page 2.

Following: line 3

Insert: "(3) "Montana postsecondary institution" means:

(a) a unit of the Montana university system, as defined in 20-25-201;

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

- (b) a Montana community college, defined and organized as provided in 20-15-101; or
- (c) an accredited tribal college located in the state of Montana."

6. Page 2, line 5 through page 3, line 21.

Strike: section 4 in its entirety

Renumber: subsequent sections

7. Page 4, line 28.

Strike: "OR"

8. Page 5, line 1.

Following: "ACCOUNT"

Insert: "; or

(c) if the child has not utilized all funds in the account by the child's 25th birthday"

9. Page 5, line 4.

Strike: "DESIGNATED BENEFICIARY" through "PARENT"

Insert: "Montana postsecondary institution where the student is enrolled as a scholarship for the student"

10. Page 5, line 5.

Following: "15-62-103"

Strike: "THAT" through "SYSTEM"

Insert: "of the student"

11. Page 5, line 9.

Strike: "WITHIN" through "SYSTEM."

Insert: "a Montana postsecondary institution. These donations from private sources must be deposited in an account in the state special revenue fund established in 17-2-102."

12. Page 5, line 15.

Strike: the first "DISTRIBUTIONS"

Insert: "a scholarship"

13. Page 9, line 6.

Strike: "5"

Insert: "4"

14. Page 9, line 9.

Strike: "5"

Insert: "4"

15. Page 9, line 11.

Strike: "5"

Insert: "4"

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

16. Page 9, line 20 through line 21.

Strike: "~~-- contingent effective date~~" on line 20 through "[THIS]" on line 21

Insert: ". [This]"

17. Page 9, line 22 through line 26.

Strike: subsection (2) through subsection (3) in their entirety

And, as amended, do pass. Report adopted.

SB 354, do pass. Report adopted.

SB 366, do pass. Report adopted.

SB 369, do pass. Report adopted.

JUDICIARY (Sales, Chair):

2/19/2015

SR 15, introduced resolution, be amended as follows:

1. Title, page 1, line 5.

Strike: "THE MONTANA SUPREME COURT,"

2. Title, page 1, line 6.

Strike: ", "

3. Page 1, line 10.

Strike: "appointments"

Insert: "appointment"

4. Page 1, line 11.

Strike: "have"

Insert: "has"

5. Page 1, line 12.

Strike: line 12 in its entirety

And, as amended, be adopted. Report adopted.

MOTIONS

SB 182 - Senator Phillips moved that **SB 182** be taken from Energy and Telecommunications and brought before the Committee of the Whole on February 26, 2015, legislative day 44.

Motion **failed** as follows:

Yeas: Barrett Dick, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 19

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 172 - Senator Stewart-Peregoy moved that **SB 172** be taken from the Natural Resources Committee and brought before the Committee of the Whole on February 26, 2015, legislative day 44. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Fielder, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 22

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 291 - Senator Hamlett moved that **SB 291** be taken from the Judiciary Committee and brought before the Committee of the Whole on February 26, 2015, legislative day 44. Motion **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 23

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 28, introduced by S. Sales, referred to Judiciary.

SR 29, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 14 - Senator Thomas moved **SJ 14** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 283 - Senator Brenden moved **SB 283** do pass. Motion carried as follows:

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Windy Boy, Ms. President.

Total 32

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Fielder, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Tutvedt, Whitford, Wolken.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 319 - Senator Blasdel moved **SB 319** do pass. Motion **failed** as follows:

Yeas: Blasdel, Brenden, D. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 24

Nays: Ankney, Arntzen, Barrett Dick, T. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 319 - Senator Rosendale moved **SB 319** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 29

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 331 - Senator Hansen moved **SB 331** do **not** pass.

SB 331 - Senator Rosendale made a **substitute motion** that **SB 331** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.

Total 47

Nays: T. Brown, Stewart-Peregoy, Windy Boy.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 345 - Senator Arntzen moved **SB 345** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 0

SB 368 - Senator Rosendale moved **SB 368** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 371 - Senator Blasdel moved **SB 371** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 46

Nays: Caferro, Driscoll, Kaufmann, Moe.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 376 - Senator Brenden moved **SB 376** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, McNally, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.

Total 37

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, Phillips, Stewart-Peregoy, Whitford, Windy Boy, Wolken.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 390 - Senator Arntzen moved **SB 390** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 12 - Senator Moe moved **SB 12** do pass.

SB 12 - Senator T. Brown moved **SB 12**, second reading copy, be amended as follows:

1. Title, page 1.

Strike: "OR" on line 6 through "OLDER" on line 7

2. Title, page 1, line 8.

Strike: "OR OLDER"

3. Title, page 1, line 10.

Strike: "OR OLDER"

4. Page 6, line 15.

Strike: "19 years of age or older"

Insert: "who has not reached 20 years of age by September 10 of the school year,"

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

5. Page 6, line 15.

Following: "graduated"

Insert: ", "

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 49

Nays: Sales.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 12 - Senator Moe moved **SB 12**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 35

Nays: Arntzen, Blasdel, Brenden, Hansen, Hinkle, Howard, Keenan, Rosendale, Sales, Smith, Thomas, Vance, Vincent, Webb, Ms. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Thomas assumed the chair.

SB 262 - Senator Vincent moved **SB 262** do pass.

SB 262 - Senator Taylor moved **SB 262**, second reading copy, be amended as follows:

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

1. Title, page 1, line 9.

Following: "PERMITTING;"

Insert: "REQUIRING INTERIM REPORTING;"

2. Page 126, line 28.

Following: line 27

Insert: "NEW SECTION. **Section 3. Interim reporting.** By June 1 of each year, the department of natural resources and conservation shall present a report on all activities related to the implementation of the compact to the legislative finance committee. The report must contain an itemized list of expenditures made in the implementation of the compact within the last 12 months or since the last report was submitted, whichever is longer."

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Webb.

Total 15

Nays: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 35

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 262 - Senator Taylor moved **SB 262**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "PERMITTING;"

Insert: "REQUIRING AN ANNUAL AUDIT OF EXPENSES INCURRED DUE TO IMPLEMENTATION OF THE COMPACT;"

2. Page 126, line 28.

Following: line 27

Insert: "NEW SECTION. **Section 3. Annual audit of expenditures related to implementation of compact.** The department of natural resources and conservation is required to have completed an annual audit of all expenses incurred by the state due to the implementation of the compact. The audit must be provided to the state-tribal relations committee within 30 days of its completion."

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Rosendale, Sales, Smith, Taylor, Vance, Webb.
Total 14

Nays: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.
Total 36

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 262 - Senator Brenden moved **SB 262**, second reading copy, be amended as follows:

1. Page 27.

Following: line 30

Insert: "c. All Persons diverting or using the Tribal Water Right off the Reservation, including the Tribes as sovereign, shall apply for all permits, certificates, variances, and other authorizations required by valid state laws, including but not limited to Title 75, chapter 1, MCA, and Title 75, chapter 20, MCA, regulating, conditioning, or permitting the siting, construction, operation, alteration, or use of any equipment, device, facility, or associated facility proposed to use or transport water located off the Reservation, and shall comply with all applicable provisions of this Compact. A diversion or use of water in the exercise of the Tribal Water Right may be made only after all permits, certificates, variances, or other authorizations applied for pursuant to this paragraph have been obtained, and the diversion or use has not been found unlawful by a Court of Competent Jurisdiction."

2. Page 28, line 1 through line 14.

Strike: subsections IV.B.5.c and IV.B.5.d in their entirety

Renumber: subsequent subsection

3. Page 28, line 26.

Strike: "subsections iii and iv"

Insert: "subsection iii"

4. Page 29, line 10 through line 26.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Strike: subsections IV.B.6.a.iii.2 and IV.B.6.a.iv in their entirety

Renumber: subsequent subsections

5. Page 30.

Following: line 1

Insert: "v. All Persons leasing the Tribal Water Right for use or diversion off the Reservation, including the Tribes as sovereign, shall apply for all permits, certificates, variances, and other authorizations required by valid state laws, including but not limited to Title 75, chapter 1, MCA, and Title 75, chapter 20, MCA, regulating, conditioning, or permitting the siting, construction, operation, alteration, or use of any equipment, device, facility, or associated facility proposed to use or transport water located off the Reservation, and shall comply with all applicable provisions of this Compact. A diversion or use of water in the exercise of the Tribal Water Right may be made only after all permits, certificates, variances, or other authorizations applied for pursuant to this paragraph have been obtained, and the diversion or use has not been found unlawful by a Court of Competent Jurisdiction."

6. Page 31, line 24 through page 32, line 13.

Strike: subsections IV.B.6.c.vi and IV.B.6.c.vii in their entirety

Renumber: subsequent subsections

7. Page 32.

Following: line 19

Insert: "vii. All Persons leasing the Tribal Water Right for use or diversion off the Reservation, including the Tribes as sovereign, shall apply for all permits, certificates, variances, and other authorizations required by valid state laws, including but not limited to Title 75, chapter 1, MCA, and Title 75, chapter 20, MCA, regulating, conditioning, or permitting the siting, construction, operation, alteration, or use of any equipment, device, facility, or associated facility proposed to use or transport water located off the Reservation, and shall comply with all applicable provisions of this Compact. A diversion or use of water in the exercise of the Tribal Water Right may be made only after all permits, certificates, variances, or other authorizations applied for pursuant to this paragraph have been obtained, and the diversion or use has not been found unlawful by a Court of Competent Jurisdiction."

Amendment **not** adopted as follows:

Yeas: Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Keenan, Moore, Rosendale, Sales, Smith, Taylor, Vance, Webb, Ms. President.

Total 15

Nays: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Total 35

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 262 - Thereupon, the Senate reverted to the original motion of Senator Vincent which passed as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Whitford, Windy Boy, Wolken.

Total 31

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Vance, Vuckovich, Webb, Ms. President.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Hinkle rose to apologize for statements made during testimony.

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 40

Nays: Blasdel, Brenden, D. Brown, Hinkle, Keenan, Sales, Smith, Taylor, Vance, Webb.

Total 10

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 25, 2015

Excused: None.

Total 0

ANNOUNCEMENTS

Majority Leader Rosendale moved the Senate adjourn until 9:00 a.m., Thursday, February 26, 2015, the 44th legislative day. Motion carried.

Senate adjourned at 6:25 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate